

EXHIBIT I

Transcribed Trial Testimony of Donald
Thatcher that was video recorded and
played for the Jury

DonaldThatcher-editedfortrial

Designation List Report



Thatcher, Donald

2022-10-21

Our Designations	00:14:24
TOTAL RUN TIME	00:14:24

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DESIGNATION	SOURCE	DURATION	ID
4:22 - 4:22	Thatcher, Donald 2022-10-21 4:22 (Witness duly sworn.)	00:00:07	DonaldThatcher-editedfortrial.1
5:06 - 5:15	Thatcher, Donald 2022-10-21 5:06 Q. All right. Good morning, again, 5:07 Officer Thatcher. How are you doing? 5:08 A. Good morning. I'm good. How are you? 5:09 Q. I'm well. 5:10 Can you see and hear me all right? 5:11 A. Yes. 5:12 Q. All right. If at any point I break up or 5:13 come in and out and there's any Zoom issues, just 5:14 let me know. Okay? 5:15 A. Okay.	00:00:15	DonaldThatcher-editedfortrial.2
5:22 - 6:02	Thatcher, Donald 2022-10-21 5:22 Q. And the purpose of today's deposition is 5:23 to show you a video and to allow you to 5:24 authenticate the video so that it can be used for 5:25 trial purposes and other purposes down the line. 6:01 Does that make sense? 6:02 A. Yes.	00:00:13	DonaldThatcher-editedfortrial.3
7:20 - 18:06	Thatcher, Donald 2022-10-21 7:20 Q. All right. I'm going to roll right into 7:21 this. 7:22 Can you see my screen, sir? 7:23 A. Yes, sir. 7:24 MR. CEISLER: All right. I'm going 7:25 to introduce as Exhibit A a video that is 8:01 titled "Unblurred Video," which I actually 8:02 received several minutes ago and have not 8:03 had the opportunity to rename, so it's 8:04 named "Unblurred Video." 8:05 (Thatcher Exhibit A marked.) 8:06 BY MR. CEISLER: 8:07 Q. Have you seen this -- you know, I'm going 8:08 to show it once, and I'll ask you a few questions. 8:09 (Video playback began.) 8:10 BY MR. CEISLER: 8:11 Q. All right. Were you able to see that, 8:12 sir?	00:11:06	DonaldThatcher-editedfortrial.4

DESIGNATION	SOURCE	DURATION	ID
	8:13 A. Yes, sir.		
	8:14 Q. Have you seen this video before?		
	8:15 A. Yes, sir.		
	8:16 Q. When did you see this video before?		
	8:17 A. I believe it was the day after it occurred.		
	8:18 Q. Did you see this video today?		
	8:19 A. Yes. This morning, yes.		
	8:20 Q. Okay. And the day after it occurred?		
	8:21 A. Yeah, I believe it was the day after, yes.		
	8:22 Q. Okay. So just broadly speaking -- and then we'll go kind of second by second -- what is this video?		
	8:23 A. This is the -- where we park. It's the --		
	8:24 behind the police station. It's usually where we park when we're on duty so we can get to the car		
	8:25 and just -- we just pull right out from there onto the road.		
	9:01 Q. Okay. What does this video depict?		
	9:02 A. This is me. I was pulling in off -- just		
	9:03 a regular patrol, about to go into the station.		
	9:04 Q. Okay. And how do you know this is a video		
	9:05 of you?		
	9:06 A. Well, I could see it. It's the car I		
	9:07 always use, and that's me getting out of the car.		
	9:08 Q. Do you recall this incident?		
	9:09 A. Yes.		
	9:10 Q. Does this video fairly and accurately		
	9:11 depict the incident as you remember it?		
	9:12 A. Yes.		
	9:13 Q. Do you have any reason to believe this		
	9:14 video does not fairly and accurately depict this		
	9:15 incident as you recall?		
	9:16 A. No.		
	9:17 Q. Do you recall what date this incident		
	9:18 occurred?		
	9:19 A. February 7th.		
	9:20 Q. Okay. Of what year?		
	9:21 A. 2022.		
	9:22 Q. Where did this incident occur?		
	9:23 A. It was right behind the station where we		

DESIGNATION	SOURCE	DURATION	ID
	10:04 usually park, at 962 Main Street in Honesdale.		
10:05	Q. Do you know what camera captured this		
10:06	video?		
10:07	A. I don't know the name of it. Just the		
10:08	back parking lot.		
10:09	Q. Sure. But is it a security camera? Or		
10:10	what type of camera?		
10:11	A. It's -- yeah. It's a security camera.		
10:12	Q. Okay. So to confirm, this is a security		
10:13	camera that captured a video of you from that		
10:14	February incident in 2022?		
10:15	A. Correct.		
10:16	Q. Okay. Some of those questions might seem		
10:17	silly, but they're authentication questions --		
10:18	A. Sure.		
10:19	Q. -- that allow us to use this video.		
10:20	Okay. Now I'm going to show the video		
10:21	again, and I'd like you to -- I'm going to show it		
10:22	kind of bit by bit, and I want you to tell me what		
10:23	happened in that bit. Okay?		
10:24	A. Okay.		
10:25	Q. So I'm starting at 0 seconds.		
11:01	(Video playback began.)		
11:02	BY MR. CEISLER:		
11:03	Q. And I'm stopping at 5 seconds.		
11:04	So walk me through what's happening in		
11:05	the first 5 seconds of this video.		
11:06	A. Okay. I'm just -- actually just grabbing		
11:07	my -- it looked like coffee or my cup and my phone		
11:08	and stepping out of the car to walk towards the		
11:09	station.		
11:10	Q. Okay. So what do you have in your left		
11:11	hand here?		
11:12	A. That, I believe, is my -- is my phone.		
11:13	Q. Okay. Do you have anything in your right		
11:14	hand?		
11:15	A. It doesn't look -- no. No. I don't		
11:16	believe I had anything in my right hand.		
11:17	No, I...		
11:18	Q. So you do not believe you have anything in		
11:19	your right hand as you're getting out of the car		

DESIGNATION	SOURCE	DURATION	ID
	11:20 here?		
11:21	A. No. I -- yeah, I grabbed my phone -- I		
11:22	believe that's my phone -- and then placed that in		
11:23	my left hand and stepped out.		
11:24	Q. Other than that being your phone, is there		
11:25	anything else you can think that that would be in		
12:01	your left hand?		
12:02	A. I can't think of what it would be. The		
12:03	only thing I -- getting out of the car is usually		
12:04	I have my phone sitting there. I believe it's my		
12:05	phone.		
12:06	Q. Okay. At what point, do you recall, did		
12:07	you take off your seat belt?		
12:08	A. Right when I stopped the car. I pulled		
12:09	in, stopped, took my seat belt off.		
12:10	Q. Okay. So let's take it now, 5 seconds to		
12:11	10 seconds.		
12:12	Actually, let's go 5 seconds to		
12:13	8 seconds. Okay?		
12:14	A. Yup.		
12:15	(Video playback began.)		
12:16	BY MR. CEISLER:		
12:17	Q. What is happening from 5 seconds to		
12:18	8 seconds, which is the clip I just showed you?		
12:19	A. I heard a loud bang.		
12:20	Q. Okay. Did you know what the loud bang was		
12:21	immediately?		
12:22	A. No, not at first. It shocked me. You		
12:23	know, I didn't know what it was. It was just this		
12:24	loud bang, and it took me a second or two to		
12:25	figure out what -- what it was.		
13:01	Q. So I'm going to drag the cursor along.		
13:02	Can you see the seconds at the bottom of the		
13:03	screen here?		
13:04	A. Yes.		
13:05	Q. Okay. I'm going to drag the cursor -- it		
13:06	actually won't say the second until I stop it, but		
13:07	take me to the point of discharge. Tell me when		
13:08	you think you heard the bang.		
13:09	A. Right about -- right about there. Yeah,		
13:10	it was --		

DESIGNATION	SOURCE	DURATION	ID
	13:11 Q. So you think the moment where you look 13:12 down as you're getting out of the car, which is -- 13:13 A. Yes. Right there. Exactly. That's -- 13:14 yeah. 13:15 Q. Which is at about the 6-second mark 13:16 here -- 13:17 A. Yes. 13:18 Q. -- there's a discharge? 13:19 A. Yes. Yes, sir. 13:20 Q. Can you tell me where -- is it -- strike 13:21 that. 13:22 Is it a gun that discharged? 13:23 A. Yes. 13:24 Q. What gun discharged? 13:25 A. What discharged? 14:01 Q. Yeah. What gun discharged? Was it your 14:02 gun? I'm trying to -- 14:03 A. It was my -- yeah, it's my on-duty gun, 14:04 which was -- at that time was a SIG SAUER P320. 14:05 Q. Where was your SIG SAUER P320 at the 14:06 moment of discharge? 14:07 A. It was in my holster. 14:08 Q. Where was your holster at the moment of 14:09 discharge? 14:10 A. It was on the left side of my hip where I 14:11 usually have my holster. 14:12 Q. So when you said left side of your hip, 14:13 was it -- do you see my arrow? 14:14 A. Yes. 14:15 Q. Is -- what side of your body? 14:16 A. It's on the left side. It would be near 14:17 the car there, the car side. 14:18 Q. Got it. 14:19 So it is on the side of the hand where 14:20 you're -- you have something in your hand, you 14:21 believe to be your phone? 14:22 A. Correct. Yes. 14:23 Q. Okay. Are you left-handed or 14:24 right-handed? 14:25 A. I am left-handed. 15:01 Q. So you draw with your left hand, and		

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DESIGNATION	SOURCE	DURATION	ID
	15:02 that's why the holster's on your left hip?		
15:03	A. Yes, sir.		
15:04	Q. Okay. What type of holster did you have?		
15:05	A. That is a Blackhawk T-Series -- T-Series		
15:06	holster. It's a triple retention holster.		
15:07	Q. Triple retention holster.		
15:08	So can you describe when you put the		
15:09	gun in the holster, does it make a click? Or how		
15:10	do you know it's seated?		
15:11	A. Yes. It actually locks in. It makes a		
15:12	click and it locks in.		
15:13	Q. Is the trigger accessible when the gun is		
15:14	fully seated?		
15:15	A. No, sir.		
15:16	Q. What is covering the trigger at the time		
15:17	the gun is fully seated?		
15:18	A. The holster is -- it's fully covered on --		
15:19	where the trigger is at with plastic. It's a --		
15:20	you can't get to the trigger at all.		
15:21	Q. How -- how do you know that the gun is		
15:22	seated in the holster?		
15:23	A. Well, it's a triple retention. It clicks		
15:24	in, and then it's got a hood over top of it,		
15:25	making it triple retention. You have to click		
16:01	the -- pull the hood of it up over so the gun		
16:02	can't come out at all.		
16:03	Q. Was the hood over the gun at the time of		
16:04	this incident?		
16:05	A. Yes, sir.		
16:06	Q. So was the gun fully holstered at the time		
16:07	of this incident?		
16:08	A. Yes, sir.		
16:09	Q. All the levels of the triple retention		
16:10	were activated at the time of this incident?		
16:11	A. Yes, sir.		
16:12	Q. So I'm going to take you to the moment		
16:13	where you say you -- you described the discharge.		
16:14	Where is your left hand?		
16:15	A. My left hand, right there -- and I'm just		
16:16	getting out and I'm actually in shock, because I		
16:17	heard the shot go off, and I didn't know at -- for		

DESIGNATION	SOURCE	DURATION	ID
	16:18 a second what -- you know, what happened. So I'm		
	16:19 just -- I'm just getting out with -- it looks --		
	16:20 it appears to be my phone in my hand.		
	16:21 Q. Okay. So your left hand, is it touching		
	16:22 your gun?		
	16:23 A. No. Not at all.		
	16:24 Q. Is your left hand touching the trigger of		
	16:25 your gun?		
	17:01 A. Not at all. No, sir.		
	17:02 Q. Where is your right hand at the time of		
	17:03 discharge?		
	17:04 A. My right hand is just pushing the door		
	17:05 open. It's on the door.		
	17:06 Q. Is your right hand touching the gun at the		
	17:07 time of discharge?		
	17:08 A. No, sir.		
	17:09 Q. Is your right hand touching your holster		
	17:10 at the time of the discharge?		
	17:11 A. No, sir.		
	17:12 Q. Had you made any modifications to the P320		
	17:13 prior to this incident?		
	17:14 A. No, sir. The only thing, it has a		
	17:15 flashlight mounted on it.		
	17:16 Q. Okay. On top?		
	17:17 A. It's on the bottom.		
	17:18 Q. On the bottom?		
	17:19 A. Yeah.		
	17:20 Q. So it's between the trigger and the end of		
	17:21 the barrel?		
	17:22 A. Yes. That -- yeah. They have mounts for		
	17:23 them for police that we put them on like that.		
	17:24 Q. Okay. Do you recall where you got that --		
	17:25 that light?		
	18:01 A. It was issued to us from -- you'd have to		
	18:02 ask the chief of police where they got them from.		
	18:03 Q. Okay. And was the holster designed to fit		
	18:04 the -- that you know of, to fit the gun with the		
	18:05 flashlight on it?		
	18:06 A. Yes. They're made for that, yes.		

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DESIGNATION	SOURCE	DURATION	ID
	22:16 Do you have any idea if your seat belt 22:17 got in the holster in any way? 22:18 A. I --		editedfortrial.5
22:20 - 22:25	Thatcher, Donald 2022-10-21 22:20 THE WITNESS: I have no idea. When 22:21 I got out, I took the seat belt off. It 22:22 felt like it was, like, alongside of me, 22:23 the seat belt, when I took it off and got 22:24 out, but it was already cleared from me 22:25 when I stepped out, when the gun went off.	00:00:20	DonaldThatcher-editedfortrial.6
23:08 - 23:14	Thatcher, Donald 2022-10-21 23:08 Q. And the hood was over the gun the whole 23:09 time you were in the car; right? It was over -- 23:10 A. Yes. 23:11 Q. The holster -- the gun was fully 23:12 holstered? 23:13 A. Yes. 23:14 Q. Okay.	00:00:09	DonaldThatcher-editedfortrial.7
33:05 - 33:13	Thatcher, Donald 2022-10-21 33:05 Q. Okay. And you had a light mounted onto 33:06 the pistol; is that correct? 33:07 A. Yes. 33:08 Q. You were using a Blackhawk T-Series 33:09 holster. Is that what you indicated? 33:10 A. Yes. 33:11 Q. Have you ever seen a manual for the 33:12 Blackhawk T-Series holster? 33:13 A. No.	00:00:25	DonaldThatcher-editedfortrial.8
35:07 - 35:09	Thatcher, Donald 2022-10-21 35:07 Q. Okay. Were you aware that the trigger on 35:08 certain firearms was unavoidably accessible in 35:09 these holsters?	00:00:08	DonaldThatcher-editedfortrial.9
35:12 - 35:24	Thatcher, Donald 2022-10-21 35:12 THE WITNESS: No. 35:13 BY MS. DENNISON: 35:14 Q. Okay. As we sit here today, is it 35:15 accurate to say that you don't know whether 35:16 something got into that trigger guard to cause the 35:17 trigger to be pulled?	00:00:32	DonaldThatcher-editedfortrial.10

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DESIGNATION	SOURCE	DURATION	ID
	<p>35:18 A. You're asking if I knew whether something 35:19 got in the trigger guard?</p> <p>35:20 Q. No. I'm asking you, as we sit here today, 35:21 can you state with certainty that nothing got into 35:22 that trigger guard to cause it to discharge?</p> <p>35:23 A. I can't state -- no. I can't state 35:24 whether something got in there or not.</p>		
40:05 - 40:13	<p>Thatcher, Donald 2022-10-21</p> <p>40:05 Q. Sergeant, I have about three questions.</p> <p>40:06 A. Okay.</p> <p>40:07 Q. Did the round discharge after you shot -- 40:08 or after it shot?</p> <p>40:09 A. It discharged -- yes. It went into the 40:10 pavement.</p> <p>40:11 Q. Okay. It came out of the -- it came out 40:12 of the gun?</p> <p>40:13 A. Yes.</p>	00:00:17	DonaldThatcher-editedfortrial.11
41:22 - 42:18	<p>Thatcher, Donald 2022-10-21</p> <p>41:22 BY MR. CEISLER:</p> <p>41:23 Q. And to clarify, so did it come out after 41:24 you took the gun out of the holster? Did you take 41:25 the gun out of the holster?</p> <p>42:01 A. Yes. When we -- when I -- I came into the 42:02 station, did not touch the weapon until 42:03 Lieutenant Langman show -- arrived, and then I 42:04 pulled the gun out, handed it over to 42:05 Lieutenant Langman, and he ejected the casing out, 42:06 which was still in the chamber.</p> <p>42:07 Q. Got it.</p> <p>42:08 A. And then we -- we stripped the gun of the 42:09 rounds and made them -- made it safe.</p> <p>42:10 Q. Got it.</p> <p>42:11 So the round itself, the bullet, went 42:12 through the bottom of the holster, hit the 42:13 pavement, and the casing stayed inside the 42:14 holster; is that correct?</p> <p>42:15 A. Yes. It actually went down through the 42:16 back of my pant leg. I have pant leg holes. So 42:17 it went down through my pant leg, and then it hit 42:18 the pavement, yes.</p>	00:00:49	DonaldThatcher-editedfortrial.12

Our Designations	<u>00:14:24</u>
TOTAL RUN TIME	00:14:24